

REMARKS

After the foregoing amendment, claims 1-12, as amended, are pending in the application. Claims 1-10 and 12 are allowed. Claims 4, 11 and 12 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that no new matter has been added to the application by the Amendment.

Telephone Interview

Applicants' Attorney of Record wishes to thank the Examiner for the courtesy extended in the Interview of August 3, 2006 in which the Examiner assisted Applicants Attorney of Record in arriving at an allowable claim 11.

Rejection - 35 U.S.C. § 112

The Examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicants have amended claim 4 to replace the word "value" with the word ---level---. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 112 rejection of claim 4.

Rejection - 35 U.S.C. § 101

The Examiner rejected claim 11 under 35 U.S.C. §101 for being non-statutory subject matter per section 2106 of the MPEP. Applicants have amended claim 11 to conform with the guidance of section 2106. Accordingly, Applicants respectfully request reconsideration and withdrawal of the § 101 rejection of claim 11.

Conclusion

Insofar as the Examiner's objections and rejections have been fully addressed, the instant application, including claims 1-12, is in condition for allowance and Notice of Allowability of claims 1-12 is therefor earnestly solicited.

Application No. 10/625,279

In response to Office Action of May 15, 2006

Respectfully submitted,

~~YUICHI KAMIOKA ET AL.~~

August 4, 2006
(Date)

By:


LOUIS SICKLES II

Registration No. 45,803

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1294

Facsimile: 215-965-1210

E-Mail: lsickles@akingump.com

LS: